

**STATEMENT UNDER 37 CFR 3.73(b)****Applicant/Patent Owner:** SmithKline Beecham Corporation**International Application No./Patent No.:** PCT/EP2004/013248 **Filed/Issue Date:** 19 November 2004**Entitled:** Novel Use**SmithKline Beecham Corporation, a corporation, states that it is:**

1.  the assignee of the entire right, title, and interest; or  
 2.  an assignee of less than the entire right, title and interest.

The extent (by percentage) of its ownership interest is \_\_\_\_\_ % in the patent application/patent identified above by virtue of either;

A. [ ] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. [ ] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

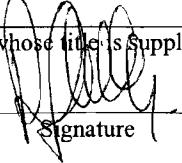
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

[ ] Additional documents in the chain of title are listed on a supplemental sheet.

[ X ] Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO.  
 See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

 - 5 JUL 2005

 Date

Peter John GIDDINGS \_\_\_\_\_ +44 20 8047 4414  
 Printed or Typed Name Telephone Number

Attorney and Authorised Official \_\_\_\_\_  
 Title \_\_\_\_\_

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is essential to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commission for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## ASSIGNMENT

WHEREAS I/WE, **Jean-Christophe BARLAND** of **Uxbridge, Middlesex, GB** (hereinafter called "the inventor(s)") have invented or discovered "**NOVEL USE**" (hereinafter called "the invention") for which a patent application no. **0327195.4** was filed on **21 November 2003** in the United Kingdom and for which an international patent application is now being filed designating the United States of America. I/we hereby authorize and request that the filing date and PCT International application, when known, be inserted here in parentheses;

**(PCT/EP2004/013248 filed 19 November 2004)**

WHEREAS the invention, being made in the course of my employment, belongs to my/our employer, namely **GLAXOSMITHKLINE SERVICES UNLIMITED** a company incorporated in England and Wales whose registered address is 980 Great West Road, Brentford, Middlesex TW8 9GS, England, and

WHEREAS **GLAXOSMITHKLINE RESEARCH AND DEVELOPMENT LIMITED**, a company incorporated in England and Wales whose registered address is 980 Great West Road, Brentford, Middlesex TW8 9GS, England, is desirous of acquiring from **GLAXOSMITHKLINE SERVICES UNLIMITED** the whole right, title and interest in and to the invention and the application, and

**GLAXOSMITHKLINE SERVICES UNLIMITED** and **GLAXOSMITHKLINE RESEARCH AND DEVELOPMENT LIMITED** have authorised and requested my/our making the application, and

WHEREAS **GLAXO GROUP LIMITED** a company organised and existing under and by virtue of the laws of England and Wales and having its principal place of business at Glaxo Wellcome House, Berkeley Avenue, Greenford, Middlesex, UB6 0NN, England, is desirous of acquiring from **GLAXOSMITHKLINE RESEARCH AND DEVELOPMENT LIMITED** the whole right, title and interest in and to the invention and the application in respect of the United States of America;

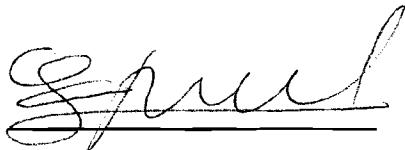
**NOW, THEREFORE**, to all whom it may concern be it known that I/we, the inventor(s), hereby confirm the ownership by **GLAXOSMITHKLINE SERVICES UNLIMITED** of the invention and the application by operation of law and, if under the law of the United States of America I/we the inventor(s) have any ownership right, title and interest in the invention and the application (which I/we do not believe to be the case and claim no ownership right, title or interest in the invention and the application based on the law of the United Kingdom), I/we the inventor(s) nevertheless hereby assign and transfer such ownership right, title and interest in and to the invention and the application to **GLAXOSMITHKLINE SERVICES UNLIMITED**. **GLAXOSMITHKLINE SERVICES UNLIMITED** in turn hereby assigns and transfers to **GLAXOSMITHKLINE RESEARCH AND DEVELOPMENT LIMITED** its whole right, title and interest in and to the invention and the application. **GLAXOSMITHKLINE RESEARCH AND DEVELOPMENT LIMITED** in turn hereby assigns and transfers to **GLAXO GROUP LIMITED** its whole right, title and interest in and throughout the United States of America in and to the invention and the application and in and to any priority rights in respect of the invention and the application and in and to any divisional application, continuation or continuation in part application thereof, and in and to any extension or re-issue thereof, and I/we the inventor(s) and **GLAXOSMITHKLINE SERVICES UNLIMITED** and **GLAXOSMITHKLINE RESEARCH AND DEVELOPMENT LIMITED** hereby authorise and request any patent arising therefrom in the United States of America be issued to **GLAXO GROUP LIMITED**.

AND **GLAXOSMITHKLINE SERVICES UNLIMITED** and **GLAXOSMITHKLINE RESEARCH AND DEVELOPMENT LIMITED** hereby, and I/we the inventor(s) for myself/ourselves and my/our respective executors and legal representatives hereby, agree to provide information and make execute and deliver any and all other instruments in writing, and any and all further acts, applications, papers, affidavits, assignments and other documents which may be possible and are necessary or desirable to more effectually secure to and vest in **GLAXO GROUP LIMITED**, its successors and assigns, the whole right, title and interest in and to

the invention and the application hereby assigned and transferred in respect of the United States of America.

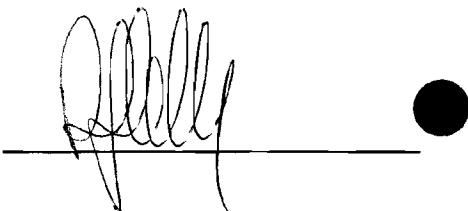
**IN WITNESS** whereof and with effect from **21 November 2003** the inventor(s) and **Peter John GIDDINGS** as Attorney of both **GLAXOSMITHKLINE SERVICES UNLIMITED** and **GLAXOSMITHKLINE RESEARCH AND DEVELOPMENT LIMITED** by virtue of Powers of Attorney granted by **GLAXOSMITHKLINE SERVICES UNLIMITED** and **GLAXOSMITHKLINE RESEARCH AND DEVELOPMENT LIMITED** respectively have hereunto set their respective hands.

**SIGNED** by **Jean-Christophe BARLAND**:



Date: 16.05.05

**SIGNED** by **Peter John GIDDINGS** as the Attorney of each of **GLAXOSMITHKLINE SERVICES UNLIMITED** and **GLAXOSMITHKLINE RESEARCH AND DEVELOPMENT LIMITED**:



- 5 JUL 2005  
Date: \_\_\_\_\_

## Power of Attorney

BY THIS POWER OF ATTORNEY given this 23<sup>rd</sup> day of February two thousand and five SMITHKLINE BEECHAM CORPORATION, a company incorporated in Pennsylvania (Registration No. 3330395) and having its registered office at One Franklin Plaza, P.O. Box 7929, Philadelphia, Pennsylvania 19101, United States of America, (hereinafter called "the Company"), HEREBY appoints all and any of its Directors, Secretary and Assistant Secretary for the time being, and DAVID ROBERTS, PETER JOHN GIDDINGS, ARTHUR WILLIAM RUSSELL TYRRELL, HUGH BAINFORDE DAWSON, WENDY ANNE FILLER, MICHAEL JOHN STOTT, PETER I. DOLTON, HELEN KAYE QUILLIN, MARCUS JONATHAN WILLIAM DALTON, CHARLES M. KINZIG, STEPHEN VENETIANER, THEODORE R. FURMAN, MARY E. McCARTHY, EDWARD R. GIMMI, CHARLES EDWARD DADSWELL, ROBERT H. BRINK, and FRANK P. GRASSLER jointly and severally to be its true and lawful agents and attorneys (hereinafter called "the Attorneys") on behalf and in the name of the Company or otherwise to do, perform, exercise or execute or concur with any other person or persons in doing, performing or exercising in or for any country or countries or jurisdiction in any part of the world all or any of the following powers, acts, deeds and things in connection with: letters patent, including extensions thereto; utility models; copyrights; trademark registrations; trademarks; trade names; trade dress; logos; design rights; designs and all rights analogous thereto and all applications therefor and any other forms whatsoever of intellectual property rights; including know-how, all of which are hereinafter called "Intellectual Property Rights", that is to say:

1. In any country or countries or jurisdiction in any part of the world to make application or cause application to be made for the grant or issue or transfer to the Company or registration in its name of Intellectual Property Rights and to take all steps necessary for the same to be prosecuted, maintained, withdrawn, renewed, enforced, defended or extended.
2. As the act and deed of the Company to sign, seal, deliver and execute all or any assignments or assurances, licences to the Company of or under any Intellectual Property Rights or the right to and interest in any inventions to be the subject of Intellectual Property Rights for the purpose of fully and effectually vesting and transferring the same in and to the Company.
3. As the act and deed of the Company to sign and execute all or any assignments and acceptances of the transfer or assignment of such rights, and also any licences, sub-licences and consents from the Company of or under any Intellectual Property Rights or the right to and interest in any invention to be the subject of Intellectual Property Rights, for the purpose of fully and effectually vesting transferring or granting the same in and to any entity, whether in the United Kingdom or elsewhere, in so far as such documents can be executed without the Company's seal being affixed thereto. For purposes of this Power of Attorney, the terms "entity" means, and includes, any person, firm or company or group of persons or unincorporated body.
4. To give undertakings or assurances to third parties and to any Trademark Registry or official intellectual property agency or governmental department or otherwise responsible for the registration or protection of trademarks, trade names, trade dress, logos, design rights or designs for the purpose of best protecting or ensuring the co-existence of the Company's rights to trademarks, trade names, trade dress, logos, design rights or designs.
5. To commence, prosecute and defend any proceedings or applications whether judicial or extra judicial relating to Intellectual Property Rights and to maintain, withdraw or settle the same.

6. For and in connection with any Intellectual Property Rights to sign, seal, deliver and execute any Power of Attorney or other deed or document authorising any agent, including trademark and patent agents and attorneys, to act on behalf of the Company.
7. To apply for the registration, amendment or cancellation of user rights in respect of any trademark or trade name.
8. To act in regard to all official communications which may now or hereafter be addressed to the Attorneys relating to Intellectual Property Rights or the renewal thereof in such manner that the Attorneys may be recognised as the authorised agent(s) of the Company in all proceedings in relation thereto.
9. For all or any of the purposes contained herein as the act and deed of the Company to sign, seal, deliver, execute and do all such documents, deeds, agreements, instruments and to do such acts as shall be requisite or may be deemed proper for or in relation to the said purposes.
10. This Power of Attorney shall expire on December 31, 2006

**AND THE COMPANY HEREBY RATIFIES** and confirms and agrees to ratify and confirm all and whatsoever the Attorneys or any person, persons, firm or company appointed by them shall lawfully do or have done by virtue of the authorities herein contained

**AND THE COMPANY HEREBY DECLARES** that all instruments executed under and by virtue of this Power shall be as valid and effectual as if sealed by the Common Seal of the Company.

**IN WITNESS** whereof **SMITHKLINE BEECHAM CORPORATION** has caused its Common Seal to be hereunto affixed the day and year first before written

The **COMMON SEAL** of )  
**SMITHKLINE BEECHAM CORPORATION** )  
was hereto affixed in the presence of: )

Donald F. Parman

\_\_\_\_\_

Donald F. Parman  
Vice President and Secretary